IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1861 OF 2005

Smt. Rajesree Tukaram Kadam ... Petitioner
Vs.
The Superintendent of Police
(Rural) Dist. Nasik & Ors. .. Respondents

Mr. A.Q. Ansari for the petitioner.
Mr. S.R. Borulkar,P.P. with Mr. S.S. Pednekar,A.P.P. for the respondents.

CORAM : SMT. RANJANA P. DESAI &
ANOOP V.MOHTA JJ.

DATE : 21ST OCTOBER, 2005.

P.C.

. The petitioner has lodged F.I.R. No.II 3009/2002 on 7/5/2002 in Ghoti Police station under Section 3 (1) 10 of Prevention of Atrocities Act and under Section 506 of Indian Penal code against the accused named in the FIR. According to the petitioner, Smt. Hirabai Vilas Jagtap is witness to the incident. However, the police have not recorded her statement. Therefore, in this petition, a prayer is made that the respondents be directed to record the statement of Hirabai Jagtap within a specified time limit and investigation be expedited. On 31/10/2002 this Court

had directed the police to record the statement of Smt. Hirabai Vilas Jagtap. However, the statement of Smt. Hirabai Jagtap came to be recorded only on 10/9/2005. When we noticed this inordinate delay, we made observation that order dated 19th October ,2005 passed by this Court is flouted by the police. We called upon the respondents to offer an explanation. Today we have heard the matter. Mr. Borulkar, the learned P.P. contended that Smt. Jagtap was not co-operating and therefore, her statement was recorded on 10/9/2005. This is hardly any explanation for delay. We are not at all happy with this explanation. We are of the opinion that the police have shown scant regard for the order of this Court. We are informed that the charge sheet is already filed. Mr. Borulkar states that the statement of Smt. Hirabai Jagtap recorded on 10/9/2005 will be forwarded to the learned Magistrate under Section 173(8) and the necessary permission will be obtained from the learned Magistrate, to make it part of the charge-sheet. We accept this statement and record it. We hope and trust that at least this order is meticulously followed by the police. The learned Magistrate dealing with the case, shall take this background in account while

deciding the case. We further make it clear that on the merits of the case, we have not expressed any opinion. Petition is disposed of.

(SMT. RANJANA P.DESAI, J)

[ANOOP V. MOHTA, J.]